THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL SEMIAN,

Plaintiff,

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3:13-CV-1183

(JUDGE MARIANI)

DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS – GINO J., MERLI VETERANS CENTER,

Defendant.

ORDER

AND NOW, THIS DAY OF AUGUST, 2018, upon consideration of Defendant's Motion to Dismiss for Failure to State a Claim upon Which Relief Can Be Granted, (Doc. 12), IT IS HEREBY ORDERED THAT:

- 1. The Defendant's Motion to Dismiss, (Doc. 12), is **GRANTED IN PART AND DENIED**IN PART as follows:
 - a. With respect to Plaintiff's Complaint Count I (Title VII claim), Defendant's
 Motion is GRANTED. Count I is DISMISSED WITHOUT PREJUDICE, and
 Plaintiff shall have leave to amend his Complaint with respect to this Count.
 - b. With respect to Plaintiff's Complaint Count II (Section 1981 claim),
 Defendant's Motion is GRANTED. Count II is DISMISSED WITH
 PREJUDICE.

- c. With respect to Plaintiff's Count III (Pennsylvania Human Relations Act claim), Defendant's Motion is GRANTED. Count III is DISMISSED WITHOUT PREJUDICE, and Plaintiff shall have leave to amend his Complaint with respect to this Count.
- d. With respect to Plaintiff's Count IV (Tortious Interference claim), Defendant's Motion is **GRANTED**. Count IV is **DISMISSED WITH PREJUDICE**.
- e. With respect to Plaintiff's Count V (Whistleblower Law claim), Defendant's Motion is **DENIED**.
- 2. In accordance with the above, Plaintiff is granted leave to amend his Complaint within **twenty-one (21) days** from the date of this Order to remedy the defects in Counts I (Title VII claim) and III (Pennsylvania Human Relations Act claim).

Robert D. Mariani

United States District Court Judge